

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:12cv339

GILBERT C. HAGAN, JR.,)	
)	
Plaintiff,)	
)	
vs.)	ORDER OF REMAND
)	
CAROLYN W. COLVIN,¹)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on the Defendant's Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. Section 405(g) [Doc. 10] to which the Plaintiff consents.

Sentence Four of 42 U.S.C. §405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The parties here have moved for reversal of the decision of the Defendant and for remand for further administrative proceedings.

¹ Carolyn W. Colvin was named Commissioner of Social Security on February 14, 2013

Upon remand to the Commissioner, the Appeals Council shall instruct the Administrative Law Judge (ALJ) to conduct a new hearing at which the ALJ shall: (1) further evaluate the Plaintiff's alcohol dependency in accordance with Social Security Ruling (SSR) 13-2p; (2) further consider the opinion of State Agency medical consultant Elizabeth Hoyt, M.D., pursuant to the provisions of 20 C.F.R. §404.1527 and SSR 96-6p and to explain the weight given to such opinion; (3) to further evaluate the Plaintiff's subjective complaints and provide a rationale in accordance with the disability regulations pertaining to the evaluation of symptoms; (4) to further consider the Plaintiff's residual functional capacity; (5) if deemed necessary, obtain evidence from a medical expert to clarify the nature and severity of the Plaintiff's impairments with and without consideration to the Plaintiff's alcohol dependency; (6) if deemed necessary, obtain evidence from a medical expert to address the impact the Plaintiff's alcohol dependency has on his ability to perform work-related activities; and (7) if warranted, obtain supplemental vocational expert evidence as to whether there are a significant number of jobs in the national economy that the Plaintiff can perform. Upon the completion of these directives, the ALJ shall issue a new decision. The Court finds remand is appropriate.

Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78

(1991).

ORDER

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Summary Judgment [Doc. 8] is hereby **DENIED** as moot.

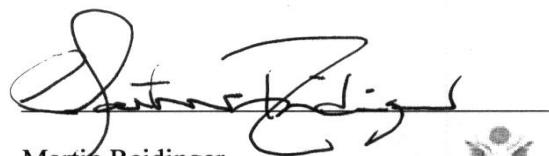
IT IS FURTHER ORDERED that the Defendant's Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. Section 405(g) [Doc. 10] is hereby **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is hereby **REMANDED**.

IT IS FURTHER ORDERED that upon remand, the Commissioner shall comply with the directives contained within this Order.

The Clerk of Court shall enter separate Judgment of Remand simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: April 25, 2013



Martin Reidinger
United States District Judge

